



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Technical Support for Proposed Amendments To 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel

Regulatory Authority:
M.G.L. Chapter 111, §§ 142A through 142O

June 16, 2017

Table of Contents

1. Summary	3
2. Background – Control of Motor Vehicles Fuel Vapors	3
3. Proposed Amendments to 310 CMR 7.24(3) <u>Distribution of Motor Vehicle Fuel</u>	4
4. Impacts of Proposed Amendments	
A. Economic Impacts	5
B. Impacts on Massachusetts Municipalities	5
C. Agricultural Impacts	6
D. Impacts on Other Programs – Air Toxics	6
E. Massachusetts Environmental Policy Act (MEPA)	6
F. Public Participation	6

1. SUMMARY OF PROPOSED CHANGES

Introduction

The Massachusetts Department of Environmental Protection (MassDEP), in response to a request from the Stage I regulated community, is proposing to amend 310 CMR 7.24(3) Dispensing of Motor Vehicle Fuel (Stage I vapor recovery) to update the lists of referenced Stage I systems certified by the California Air Resources Board (CARB) since January 2, 2015, the date the current MassDEP Stage I regulation was last revised.

By updating the lists of referenced CARB certified Stage I systems, MassDEP will ensure all currently certified CARB Stage I systems and components are approved for installation in Massachusetts.

Background

Stage I vapor recovery systems prevent the release of gasoline vapors to the ambient air when motor vehicle fuel (gasoline) is being transferred from a tank truck to an underground or aboveground gasoline storage tank. MassDEP relies on the installation and maintenance of CARB certified Stage I Enhanced Vapor Recovery (Stage I EVR) Systems to ensure the control efficiency of installed Stage I systems are at least 98% by weight of vapors displaced during the transfer of motor vehicle fuel (gasoline) from a tank truck to gasoline storage tanks.

MassDEP proposes to amend only the following tables found at 310 CMR 7.24(3)(c)1.:

Table 1. CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders.

Table 2. CARB Aboveground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders.

Tables 1. and 2. above, list all current CARB Certified Stage I EVR System Executive Orders. The proposed amendments to Tables 1. and 2. will update the lists of CARB Certified Stage I EVR Systems to include those Stage I Systems certified by CARB since January 2, 2015, or that have been updated since January 2, 2015, the date the current MassDEP Stage I regulation was last revised.

No other section of 310 CMR 7.24(3) is proposed for amendment.

2. BACKGROUND - CONTROL OF MOTOR VEHICLE FUEL VAPORS

Stage I Vapor Controls

Volatile organic compounds (VOCs) and hazardous air pollutants are emitted to the ambient air during the transfer of motor vehicle fuel (i.e., gasoline) from gasoline delivery trucks to gasoline storage tanks. VOCs are a key contributor to the formation of ground-level ozone. Regulations to control VOCs emitted during the transfer of gasoline is an important element of the Massachusetts State Implementation Plan (SIP) for ozone. Gasoline vapors contain numerous toxic constituents, including benzene, which is a known carcinogen. Stage I vapor recovery systems prevent the release of gasoline vapors to the ambient air, thereby protecting public health and the environment.

State Implementation Plan Revision

MassDEP is required to submit the final regulatory amendments to EPA as a revision to the State Implementation Plan (SIP). In order for EPA to approve the regulatory amendments, MassDEP must demonstrate that the amendments meet CAA Section 110(l). Section 110(l) prohibits EPA approval of a SIP revision that interferes with attainment of the National Ambient Air Quality Standards (NAAQS) or other Clean Air Act (CAA) requirements.

The proposed amendments to 310 CMR 7.24(3) do not interfere with attainment of the NAAQS or other CAA applicable requirements.

3. Proposed Amendments to 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel

MassDEP is accepting comments on proposed amendments to 310 CMR 7.24(3)(c)1., Tables 1. and 2. below. The proposed amendments to Tables 1. and 2. will update the lists of approved CARB Certified Stage I EVR Systems to include those new Stage I Systems certified by CARB since January 2, 2015, or already approved systems whose CARB Executive Orders have been updated since January 2, 2015, the date the current Stage I regulation was last revised.

310 CMR 7.24(3)(c)1.: Table 1.
CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-101- NP	Phil-Tite Phase I Vapor Recovery System	June 8, 2013 <u>May 29, 2017</u>
VR-102- OQ	OPW Phase I Vapor Recovery System	October 3, 2014 <u>May 29, 2017</u>
VR-103-G	EBW Phase I Vapor Recovery System	June 3, 2013
VR-104- GH	CNI Manufacturing Phase I Vapor Recovery System	June 8, 2013 <u>May 29, 2017</u>
VR-105-D	EMCO Wheaton Phase I Vapor Recovery System	August 27, 2014

310 CMR 7.24(3)(c)1.: Table 2.

CARB Aboveground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

Executive Order Number	Description	Date
VR-301-F	Standing Loss Control of Vapor Recovery Systems for Existing Installations of Aboveground Storage Tanks	June 3, 2014
VR-302-F	Standing Loss Control of Vapor Recovery Systems for New Installations of Aboveground Storage Tanks	June 3, 2014
VR-401- DE	OPW Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	May 12, 2014 <u>June 29, 2015</u>
VR-402- BD	Morrison Brothers Phase I Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	April 15, 2013 <u>March 29, 2016</u>
G-70-216	Extension of Executive Orders for Existing Above Ground Storage Tanks	March 13, 2014

4. IMPACTS OF PROPOSED AMENDMENTS**A. Economic Impacts**

The proposed amendments will have a positive economic impact on the regulated community. MassDEP's adoption of updated CARB Stage I EVR Executive Orders will make available lower cost Stage I EVR components to Massachusetts Stage I facility owners while providing the same level of emission control. Some of the components available in the updated CARB Stage I EVR Executive Orders are less expensive than components in the current CARB Stage I EVR Executive Orders. In this manner, MassDEP seeks to promote the development and introduction of cost effective Stage I technologies and reduce the economic impacts on Stage I facility owners.

B. Impacts on Massachusetts Municipalities

The availability of lower cost Stage I EVR system components reduces compliance costs of all Stage I System owners, including Massachusetts municipalities.

MassDEP notes that ownership and operation of a gasoline dispensing facility (GDF), which municipalities may voluntarily undertake, is not a mandated municipal service. Therefore, costs associated with GDF operation are not mandated costs subject to the restrictions of Proposition 2 and a half, M.G.L. c. 29 s. 27 C(a) (which requires the state to reimburse municipalities for costs incurred as a consequence of new state laws and regulations if they were associated with a mandated municipal service).

C. Agricultural Impacts

MassDEP's current Stage I regulations exempt GDFs used for farming where the storage tank is less than 550 gallons and has submerged fill pipes. For agriculture activities subject to 310 CMR 7.24(3), the availability of lower cost Stage I system components reduces program compliance costs.

D. Impacts on Other Programs – Air Toxics

Air toxics are a group of chemical air contaminants that are associated with significant environmental impacts or adverse health effects such as cancer, reproductive effects and birth defects. The Clean Air Act requires EPA to promulgate source-specific controls to address air toxics. EPA has promulgated an area source National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Gasoline Dispensing Facilities at 40 CFR 63, Subpart CCCCCC.

The emission control requirements contained in 310 CMR 7.24(3) are as stringent as EPA's GDF NESHAP. The proposed amendments updating the list of available CARB Stage I EVR Executive Orders will maintain reduced air toxics emissions at GDFs at lower compliance costs.

E. Massachusetts Environmental Policy Act (MEPA)

Pursuant to 301 CMR 11.00 (Massachusetts Environmental Policy Act Regulations), MassDEP is not required to file an Environmental Notification Form regarding the proposed amendments. The amendments will not lessen the stringency of existing regulations, the purpose of which is to protect public health and the environment, or reduce opportunities for public comment.

F. Public Participation

MassDEP will hold a public hearing on the proposed amendments in accordance with M.G.L. c. 30A and will publish a notice of the hearing and comment period at least 30 days before the public hearing. MassDEP will submit the final amendments to EPA for approval as a revision to its State Implementation Plan.